



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

EVIDENCE—PRESUMPTION—PROBATIVE FORCE.—VINCENT V. MUTUAL FUND LIFE ASSO., 77 CONN. 281.—*Held*, overruling *Sturdevant's Appeal*, 71 CONN. 392, that when the law presumes statements made by one deceased in an application for insurance to be true, such presumption is not entitled to be weighed and considered as evidence by the jury.

It has been held that a presumption of innocence does not cease upon submission of a cause to the jury, *People v. O'Brien*, 106 Cal. 104; but operates during the deliberation of the jury until they have arrived at a verdict. *Coffin v. U. S.*, 156 U. S. 432; *People v. McManus*, 94 Cal. 509. These cases are based upon a misunderstanding of the loosely used phrase, that "presumption of innocence is to be regarded by the jury in every case, as a matter of evidence," and which merely means that the burden of proof is on the other party, *Greenleaf on Ev.*, (16th ed.) Sec. 34; and it is not error to refuse to direct a jury that they ought to regard a presumption of innocence as evidence, *Woolen v. State*, 24 Fla. 335; the true rule being that a legal presumption should not be considered by the jury as a matter of evidence entitled to be weighed by them in arriving at a verdict. *State v. Linoff*, 121 Iowa 632; *State v. Kennedy*, 55 S. W. 273.

HOMESTEAD—ADDITION.—WILKS V. VAUGHAN, 83 S. W. 913 (ARK.).—*Held*, that when a homestead right has once been acquired in land less than the maximum area allowed by a statute it may be increased to that maximum area by purchasing adjoining land, though the homesteader is not at the time residing on the homestead. McCulloch, J., *dissenting*.

This is a case of first impression but it has been held that a debtor might purchase adjoining land, bringing his homestead up to the maximum area, and have the homestead rights attach to it, *Campbell v. McManus*, 32 Tex. 442; and when he once acquires a homestead by actual occupation and then moves away, but with the intention of returning and making it his home, it is protected from foreclosure sale. *Hand v. Winn*, 52 Miss. 784. Not only is continuity of occupancy not indispensable to preserve the homestead rights but it must be shown clearly and decisively that the homesteader intended to absolutely abandon it in order to destroy them. *Campbell v. Adair*, 45 Miss. 170. It is well established that the law recognizes no difference between actual and constructive occupation so far as retaining homestead rights, *Parr v. Newby*, 73 Tex. 468; there seems to be no reason why it should so far as adding to these rights.

INJUNCTION—PUBLIC OFFICERS—TRESPASS IN DISCHARGE OF DUTY.—HALE V. BURNS, 91 N. Y. SUPP. 929.—Police officers were stationed by the defendant, a captain of police in New York City, in the plaintiff's saloon on suspicion that gambling was being conducted therein. An injunction was sought and the court *held* that the public officers could be restrained from performing acts in the discharge of their duties which come within the nature of a trespass, to the irreparable injury of the aggrieved party.

Equity will interfere where trespasses are repeated or continuing, *Chiles v. Ringo*, 14 Ky. L. Rep. 302; *Miller v. Lynch*, 149 Pa. 460; *Wheelock v. Noonan*, 108 N. Y. 179; or where damages can only be estimated by conjecture and not by accurate standards. *Johnson v. Kier*, 3 Pitts. R. 204. An injunction will issue to prevent a public officer from unlawfully assuming power over property in such manner as to infringe upon or violate the rights